

REMARKS

This Amendment is being filed in response to the Final Office Action mailed February 19, 2009, which has been reviewed and carefully considered. Claims 1-21 remain pending with claims 1, 11 and 21 being the only independent claims. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 3 and 7-11, 13, and 17-21 stand rejected under 35 USC 103(a) as being unpatentable over Goto et al., U.S. Patent No. 7,218,837 (Hereinafter, "Goto") in view of West et al., U.S. Pub. 2003/0110514 (Hereinafter, "West"). Claims 1 and 2 stand rejected under 35 USC 103(a) as being obvious over Goto in view of Eldering et al., U.S. Pub. 2007/0240181. Claims 4, 6, 14 and 16 stand rejected under 35 USC 103(a) as being obvious over Goto and West in view of Plourde, Jr. et al., U.S. Patent No. 7,218,839. Claims 5 and 15 stand rejected under 35 USC 103(a) as being obvious over Goto and West in view of Needham et al., U.S. Pub 2003/0177495. Applicants respectfully disagree.

The present invention relates generally to personal video recording devices, and more particularly, to a personal recording device that generates a graphical representation of programs being stored. Moreover, this graphical representation depicts program sections defined by markers. In particular, claim 1 recites:

1. A method of displaying a video signal, comprising the steps of:
 - retrieving the video signal;
 - generating a graphical display including a bar extending in a predetermined direction and divided into at least two program sections, the sections defined by markers, said markers capable of having been generated when a user changes the channel and whereby a program marker will only have been inserted when a user had selected a new channel and had remained on the new channel in excess of a predetermined period of time [emphasis added];
 - inserting the graphical display into the video signal; and
 - outputting the video signal.

As recited in claim 1, the markers are capable of indicating channel changes by a user that occur prior to conclusion of a program. Support for this feature is found, *inter alia*, in paragraphs [0036] and [0037] of the application as published. The latter paragraph recites several alternative rules for when the markers are inserted during such changes. One such rule, that the user stay on the new channel for a minimum amount of time before a marker is set, is now recited in amended claim 1.

Thus as currently written, claim 1 recites how a marker which appears in the graphical display has been automatically generated when a user changes channels – providing the user remains on the new channel in excess of a predetermined period of time. Accordingly, in the event the user is merely “channel surfing,” no markers will be generated. As noted above, support for this feature is found in paragraph [0037] of the published application.

Neither Goto nor West teaches this “excess of a predetermined period of time” feature. Paragraph [0109] of West, referenced in the Final Office Action as teaching an aspect of the display feature of the present invention, in fact teaches away from this minimum time feature:

Each of the option blocks 1125 includes identifiers of the contents of the identified buffer. For example, the highlighted option block 1130 includes **a list of all of the surfed media content instances** (for example, by media content instance title) from a plurality of display channels. The boundaries of the tuned start and end time of each media content instance is preferably delineated by a line 1135. [emphasis added]

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

Applicants submit that the combination of Goto and West fails to establish *prima facie* obviousness as this combination of references fails to teach or suggest all the claim limitations. In particular, the feature whereby no marking occurs if the user does not remain on the channel in excess of the predetermined time. Claims 11 and 21 also contain this feature and accordingly, are deemed patentable over the prior art for at least the same reasons.

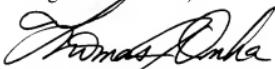
Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1, 11 and 21.

With regard to claims 2-10 and 12-20, these claims ultimately depend from one of the independent claims, which have been shown to be not obvious and allowable in view of the cited references. Accordingly, claims 2-10 and 12-20 are also allowable by virtue of their dependence from an allowable base claim. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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